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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

**FILE:** B-210579

**DATE:** March 1, 1983

**MATTER OF:** Hubbs-Sea World Research Institute

**DIGEST:**

1. Proposal mailed by express mail was not delivered to Government installation prior to opening by Postal Service because agency courier routinely picked up the mail from the post office prior to the proposal's arrival at the post office. Therefore, exception for consideration of late proposal because of Government mishandling after receipt at Government installation is inapplicable.
2. Contracting officer who has been advised that proposal is being sent by express mail is not required to dispatch courier to pick up proposal from post office where proposals were required to be submitted at Government installation rather than post office.

Hubbs-Sea World Research Institute (Hubbs-Sea) protests the National Oceanic and Atmospheric Administration's (NOAA) rejection of its late proposal, submitted under solicitation No. WASC-83-00065. The protest is summarily denied.

Proposals were required to be delivered to the Western Administration Support Center, Seattle, Washington, by Friday, January 14, 1983, at 3 p.m. Hubbs-Sea mailed its proposal by express mail in San Diego at 8:45 a.m. on January 13. The Postal Service guaranteed delivery by January 14 at 3 p.m.

Hubbs-Sea notified the contracting officer on January 13 that the proposal was mailed by express mail and requested acknowledgment upon receipt. At 11:30 a.m. on January 14, NOAA advised Hubbs-Sea that the proposal had not yet been received. It did not arrive until Monday, January 17, and was rejected as late.

Hubbs-Sea contends that Postal Service records indicate the proposal was received at the Seattle Post Office on January 14 at 9:30 a.m. The Postal Service did not deliver

024699

the proposal because express mail is picked up at the Seattle Post Office by an NOAA courier at 8:20 a.m. each day. The proposal stayed at the Seattle Post Office past the 3 p.m. deadline.

Our Office has consistently held that it is the offeror's responsibility to assure timely receipt of its proposal and that the offeror must bear the responsibility unless the specific conditions of the solicitation for consideration of late proposals are met. Sigma Treatment Systems, B-207791, June 21, 1982, 82-1 CPD 613. These rules permit the consideration of late proposals which were sent at least 5 days prior to the closing date for receipt of proposals by certified or registered mail or where the sole or paramount cause of delay is Government mishandling after receipt at the Government installation. Federal Procurement Regulations § 1-2.201(a)(31) (1964 ed.).

Hubbs-Sea contends that its proposal should be considered because it was sent by express mail and the Postal Service failed to make delivery as guaranteed. We disagree. Express mail delivery does not fall within the late proposal exceptions. Receipt by the Postal Service is not receipt at the Government installation, express mail is not the equivalent of registered or certified mail, and, in any event, Hubbs-Sea mailed its proposal 1 day, rather than 5 days, before proposals were due. Sigma Treatment Systems, supra; see Geronimo Service Company, B-199864, October 28, 1980, 80-2 CPD 325.

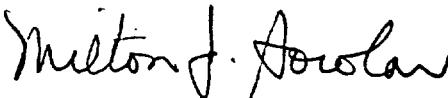
Hubbs-Sea contends that the contracting officer should have dispatched a courier to pick up the proposal upon being notified that it was being sent by express mail. We initially note that the contracting officer was asked to acknowledge receipt rather than to pick up the proposal. The contracting officer therefore had no reason to believe the proposal would not be delivered. More significantly, the contracting officer had no obligation to provide such extraordinary assistance. We have held that the procuring agency is not required to acknowledge receipt. Tenavision Inc., B-207977, July 20, 1982, 82-2 CPD 64; X-Tyal International Corporation, B-202434, January 7, 1982, 82-1 CPD 19. It certainly follows that the procuring agency need not take the extraordinary action of searching for an offeror's proposal which has not yet been received at the

Government installation. As we noted above, it is the offeror's responsibility to assure the timely receipt of its proposal.

Hubbs-Sea's final ground of protest is that the 8:20 a.m. pickup time had the effect of shortening the 3 p.m. deadline to 8:20 a.m. We disagree. Proposals were received until 3 p.m. by NOAA and it was only Hubbs-Sea's choice of delivery method which made the proposal late.

Our Office generally requests a report from the procuring agency upon receipt of a protest and withholds issuing a decision pending receipt and review of the report. See 4 C.F.R. § 21.3 (1982). However, where it is clear from a protester's initial submission that the protest is without legal merit, the matter will be decided summarily. Tenavision Inc., supra.

The protest is summarily denied.

*for*   
Comptroller General  
of the United States